

SECOND REGULAR SESSION

SENATE BILL NO. 489

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4464S.011

AN ACT

To repeal sections 571.020 and 571.111, RSMo, and to enact in lieu thereof two new sections relating to weapons, with existing penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 571.020 and 571.111, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 571.020 and
3 571.111, to read as follows:

571.020. 1. A person commits a crime if such person knowingly possesses,
2 manufactures, transports, repairs, or sells:

- 3 (1) An explosive weapon;
- 4 (2) An explosive, incendiary or poison substance or material with the
5 purpose to possess, manufacture or sell an explosive weapon;
- 6 (3) A gas gun;
- 7 (4) A switchblade knife;
- 8 (5) A bullet or projectile which explodes or detonates upon impact because
9 of an independent explosive charge after having been shot from a firearm; or
- 10 (6) Knuckles; or
- 11 (7) Any of the following in violation of federal law:
 - 12 (a) A machine gun;
 - 13 (b) A short-barreled rifle or shotgun; or
 - 14 (c) A firearm silencer.

15 2. A person does not commit a crime pursuant to this section if his
16 conduct involved any of the items in subdivisions (1) to (6) of subsection 1, the
17 item was possessed in conformity with any applicable federal law, and the
18 conduct **was incident to:**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 (1) [Was incident to the performance of] **Performing an** official duty by
20 the armed forces, national guard, a governmental law enforcement agency, or a
21 penal institution; or

22 (2) [Was incident to] Engaging in a lawful commercial or business
23 transaction with an organization enumerated in subdivision (1) of this section; or

24 (3) [Was incident to] Using an explosive weapon in a manner reasonably
25 related to a lawful industrial or commercial enterprise; or

26 (4) [Was incident to] Displaying the weapon in a public museum or
27 exhibition; or

28 (5) [Was incident to] Using the weapon in a manner reasonably related
29 to a lawful dramatic performance; or

30 **(6) Dealing with the weapon solely as a curio, ornament, or**
31 **keepsake.**

32 3. A crime pursuant to subdivision (1), (2), (3) or (7) of subsection 1 of this
33 section is a class C felony; a crime pursuant to subdivision (4), (5) or (6) of
34 subsection 1 of this section is a class A misdemeanor.

571.111. 1. An applicant for a concealed carry endorsement shall
2 demonstrate knowledge of firearms safety training. This requirement shall be
3 fully satisfied if the applicant for a concealed carry endorsement:

4 (1) Submits a photocopy of a certificate of firearms safety training course
5 completion, as defined in subsection 2 of this section, signed by a qualified
6 firearms safety instructor as defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant
8 completed a firearms safety course given by or under the supervision of any state,
9 county, municipal, or federal law enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of
11 this section; or

12 (4) Submits proof that the applicant currently holds any type of valid
13 peace officer license issued under the requirements of chapter 590; or

14 (5) Submits proof that the applicant is currently allowed to carry firearms
15 in accordance with the certification requirements of section 217.710; or

16 (6) Submits proof that the applicant is currently certified as any class of
17 corrections officer by the Missouri department of corrections and has passed at
18 least one eight-hour firearms training course, approved by the director of the
19 Missouri department of corrections under the authority granted to him or her by
20 section 217.105, that includes instruction on the justifiable use of force as

21 prescribed in chapter 563; or

22 **(7) Submits a photocopy of a certificate of firearms safety**
23 **training course completion that was issued on August 27, 2011, or**
24 **earlier so long as the certificate met the requirements of subsection 2**
25 **of this section that were in effect on the date it was issued.**

26 2. A certificate of firearms safety training course completion may be
27 issued to any applicant by any qualified firearms safety instructor. On the
28 certificate of course completion the qualified firearms safety instructor shall
29 affirm that the individual receiving instruction has taken and passed a firearms
30 safety course of at least eight hours in length taught by the instructor that
31 included:

32 (1) Handgun safety in the classroom, at home, on the firing range and
33 while carrying the firearm;

34 (2) A physical demonstration performed by the applicant that
35 demonstrated his or her ability to safely load and unload a revolver and a
36 semiautomatic pistol and demonstrated his or her marksmanship with both;

37 (3) The basic principles of marksmanship;

38 (4) Care and cleaning of concealable firearms;

39 (5) Safe storage of firearms at home;

40 (6) The requirements of this state for obtaining a certificate of
41 qualification for a concealed carry endorsement from the sheriff of the individual's
42 county of residence and a concealed carry endorsement issued by the department
43 of revenue;

44 (7) The laws relating to firearms as prescribed in this chapter;

45 (8) The laws relating to the justifiable use of force as prescribed in
46 chapter 563;

47 (9) A live firing exercise of sufficient duration for each applicant to fire
48 both a revolver and a semiautomatic pistol, from a standing position or its
49 equivalent, a minimum of fifty rounds from each handgun at a distance of seven
50 yards from a B-27 silhouette target or an equivalent target;

51 (10) A live fire test administered to the applicant while the instructor was
52 present of twenty rounds from each handgun from a standing position or its
53 equivalent at a distance from a B-27 silhouette target, or an equivalent target,
54 of seven yards.

55 3. A qualified firearms safety instructor shall not give a grade of passing
56 to an applicant for a concealed carry endorsement who:

57 (1) Does not follow the orders of the qualified firearms instructor or
58 cognizant range officer; or

59 (2) Handles a firearm in a manner that, in the judgment of the qualified
60 firearm safety instructor, poses a danger to the applicant or to others; or

61 (3) During the live fire testing portion of the course fails to hit the
62 silhouette portion of the targets with at least fifteen rounds, with both handguns.

63 4. Qualified firearms safety instructors who provide firearms safety
64 instruction to any person who applies for a concealed carry endorsement shall:

65 (1) Make the applicant's course records available upon request to the
66 sheriff of the county in which the applicant resides;

67 (2) Maintain all course records on students for a period of no less than
68 four years from course completion date; and

69 (3) Not have more than forty students in the classroom portion of the
70 course or more than five students per range officer engaged in range firing.

71 5. A firearms safety instructor shall be considered to be a qualified
72 firearms safety instructor by any sheriff issuing a certificate of qualification for
73 a concealed carry endorsement pursuant to sections 571.101 to 571.121 if the
74 instructor:

75 (1) Is a valid firearms safety instructor certified by the National Rifle
76 Association holding a rating as a personal protection instructor or pistol
77 marksmanship instructor; or

78 (2) Submits a photocopy of a certificate from a firearms safety instructor's
79 course offered by a local, state, or federal governmental agency; or

80 (3) Submits a photocopy of a certificate from a firearms safety instructor
81 course approved by the department of public safety; or

82 (4) Has successfully completed a firearms safety instructor course given
83 by or under the supervision of any state, county, municipal, or federal law
84 enforcement agency; or

85 (5) Is a certified police officer firearms safety instructor.

86 6. Any firearms safety instructor who knowingly provides any sheriff with
87 any false information concerning an applicant's performance on any portion of the
88 required training and qualification shall be guilty of a class C misdemeanor.

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